Senate File 256 - Introduced

SENATE FILE 256 BY CHAPMAN

A BILL FOR

- 1 An Act prohibiting a governing board of a public college or
- 2 university from adopting or enforcing any policy or rule
- 3 that prohibits a person with a valid permit to carry weapons
- 4 from carrying, transporting, or possessing a dangerous
- 5 weapon in the buildings or on the grounds of such a college
- 6 or university, and including civil penalties.
- 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. NEW SECTION. 260C.14A Limitation on authority —
- 2 dangerous weapons valid permit to carry weapons.
- 3 The board of directors of a community college shall comply
- 4 with the requirements of section 724.8A regarding policies and
- 5 rules relating to the carrying, transportation, or possession
- 6 of dangerous weapons in the building or on the grounds of the
- 7 community college.
- 8 Sec. 2. NEW SECTION. 262.9D Limitation on authority —
- 9 dangerous weapons valid permit to carry weapons.
- 10 The state board of regents shall comply with the
- 11 requirements of section 724.8A regarding policies and rules
- 12 relating to the carrying, transportation, or possession of
- 13 dangerous weapons in the building or on the grounds of a
- 14 university under the control of the state board of regents.
- 15 Sec. 3. Section 602.8105, Code 2017, is amended by adding
- 16 the following new subsection:
- 17 NEW SUBSECTION. 5. The clerk of the district court shall
- 18 collect a civil penalty assessed under section 724.8A. Any
- 19 moneys collected from the civil penalty shall be deposited into
- 20 the general fund of the state.
- 21 Sec. 4. NEW SECTION. 724.8A Limitation on authority —
- 22 dangerous weapons public universities and community colleges.
- 23 1. The governing board of a university under the control
- 24 of the state board of regents as provided in chapter 262,
- 25 or a community college under the jurisdiction of a board
- 26 of directors for a merged area as provided in chapter 260C
- 27 shall not adopt or enforce any policy or rule that prohibits
- 28 the carrying, transportation, or possession of any dangerous
- 29 weapon, as defined in section 702.7, in the buildings or on
- 30 the grounds of such a college or university by a person who
- 31 possesses a valid permit to carry weapons pursuant to section
- 32 724.6 or 724.7.
- 33 2. a. A governing board found to be in violation of
- 34 subsection 1 shall be assessed a civil penalty of between two
- 35 thousand five hundred dollars and five thousand dollars and

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- 1 shall be ordered to pay the plaintiff's reasonable attorney 2 fees and court costs.
- 3 b. The requirements of this section may be enforced by the 4 state or through a private cause of action.
- 5 c. The civil penalty shall be collected by the clerk of the 6 district court and shall be deposited as provided in section 7 602.8105, subsection 5.
- 8 EXPLANATION
- 9 The inclusion of this explanation does not constitute agreement with 10 the explanation's substance by the members of the general assembly.
- This bill provides that the governing board of a university 11 12 under the control of the state board of regents as provided in 13 Code chapter 262, or a community college under the jurisdiction 14 of a board of directors for a merged area as provided in Code 15 chapter 260C shall not adopt or enforce any policy or rule that 16 prohibits the carrying, transportation, or possession of any 17 dangerous weapon, as defined in Code section 702.7, in the 18 buildings or on the grounds of such a college or university by 19 a person who possesses a valid permit to carry weapons pursuant 20 to Code section 724.6 (professional permit to carry weapons) or 21 Code section 724.7 (nonprofessional permit to carry weapons). 22 The bill provides that a governing board found to be in 23 violation of the bill shall be assessed a civil penalty 24 of between \$2,500 and \$5,000 and shall pay the plaintiff's
- 25 reasonable attorney fees and court costs. The bill may be
- 26 enforced by the state or through a private sauce of action
- 26 enforced by the state or through a private cause of action.
- 27 The bill specifies that the civil penalty shall be deposited 28 into the general fund of the state.
- 29 A dangerous weapon is any instrument or device designed
- 30 primarily for use in inflicting death or injury upon a human
- 31 being or animal, and which is capable of inflicting death
- $32\ \mathrm{upon}\ \mathrm{a}\ \mathrm{human}\ \mathrm{being}\ \mathrm{when}\ \mathrm{used}\ \mathrm{in}\ \mathrm{the}\ \mathrm{manner}\ \mathrm{for}\ \mathrm{which}\ \mathrm{it}\ \mathrm{was}$
- 33 designed, except a bow and arrow when possessed and used
- 34 for hunting or any other lawful purpose. Additionally, any
- 35 instrument or device of any sort whatsoever which is actually

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- 1 used in such a manner as to indicate that the defendant intends
- 2 to inflict death or serious injury upon the other, and which,
- 3 when so used, is capable of inflicting death upon a human
- 4 being, is a dangerous weapon. Dangerous weapons include but
- 5 are not limited to any offensive weapon, pistol, revolver, or
- 6 other firearm, dagger, razor, stiletto, switchblade knife,
- 7 knife having a blade exceeding five inches in length, or any
- 8 portable device or weapon directing an electric current,
- 9 impulse, wave, or beam that produces a high-voltage pulse
- 10 designed to immobilize a person.